

MARIA E. HESS.

JANUARY 12, 1897.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. THOMAS, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 7122.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7122) granting Maria E. Hess, widow of Florian Hess, a pension, after carefully examining the evidence in the same, report as follows:

Florian Hess was wounded in the left arm in a fight with Sioux Indians about November, 1862, and was pensioned therefor at various rates under the general law, reaching the rate of \$36 per month before his death, which occurred February 24, 1892. The widow has no title under the act of June 27, 1890, because her husband was not mustered into the United States military service. He was pensioned under the provisions of the third paragraph of section 4693, Revised Statutes, having been wounded while serving with United States troops under command of United States officers.

Soldier's title being conceded, widow has title under the general law if soldier's death was due to service. Her claim has been rejected in the Pension Office on the ground that soldier's death was not due to the wound of arm for which he was pensioned. The evidence showed that the soldier received a very serious wound of the left arm and shoulder, a ball passing entirely through the neck of the humerus, shattering it badly, necessitating the removal of several pieces of bone. The following is copied from surgeon's certificate of disability in his case:

We certify that we have carefully examined the said Florian Hess * * * and find him incapable of earning subsistence by manual labor because of gunshot wound fracturing the neck of the left humerus and causing comminuted fracture of the bone, requiring excision of part of same, causing the shoulder joint to be entirely useless, together with upper and fore arm.

ALFRED MULLER, A. A. S. U. S. A.
C. WESTHAKER, M. D.

FEBRUARY 27, 1866.

In the report of medical examination made in 1874 the surgeon says: "I find his general health failing as a result of his wound."

In 1875 Dr. Alfred Muller, examining surgeon, says in his report:

The disability is permanent and increasing, as, from time to time, still now exfoliations take place, combined with severe pains. His general health is also very poor; his body much emaciated, and he is in fact not able to perform any manual labor.

The following is from the certificate of Dr. J. S. Schock as to cause of death:

Florian Hess died the 24th day of February, 1892. The deceased, Florian Hess, had suffered for three years with chronic gastritis, which resulted in thickening and

constriction of the pyloric end of stomach, with ulcers. These ulcers were the direct cause of death, being the source of the hæmatemesis. Have treated the deceased, Florian Hess, for the past three years, during which time he always had a cachectic, anæmic appearance, which he claimed dated from his "wound fever at the hospital," and it never left him.

In an explanatory affidavit dated August 14, 1894, Dr. Schock says:

That while the deceased, Florian Hess, was a chronic sufferer from chronic gastritis, it was at no time considered serious, for his wound and suffering therefrom kept him weak and feeble and had more to do with his death than the gastritis. During the last weeks of his suffering his system was unable to sustain the drain of his injuries, and septic fever set in from absorption, which hastened and was the indirect cause of his death; and directly traceable to his wounds.

In the opinion of the committee it is clearly shown by the evidence that soldier's terrible wounds and the discharge therefrom, together with the suffering caused thereby, undermined soldier's health and strength, rendering him easily susceptible to, if not directly causing the disease of stomach to which, together with the direct results of his wound he succumbed, and therefore it is believed that soldier's death was due to his service, and his widow should be pensioned, and the passage of the bill is therefore recommended, with the following amendments:

Strike out all after the name "Florian Hess," in line 6 of the printed bill, and add "who was pensioned under certificate numbered sixty-five thousand eight hundred and thirty-six, as a private in Captain J. Rollin's Company of Minnesota Volunteers."